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Human Rights Council
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Agenda item 3

Resolution adopted by the Human Rights Council on 24 March 2016

31/32. Protecting human rights defenders, whether individuals, groups or organs of society, addressing economic, social and cultural rights

The Human Rights Council,

Guided by the purposes and principles of the Charter of the United Nations,

Guided also by the Universal Declaration of Human Rights, the International Covenants on Human Rights and other relevant instruments,

Recalling General Assembly resolution 53/144 of 9 December 1998, by which the Assembly adopted by consensus the Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms,

Recalling also all other previous resolutions on this subject, including Human Rights Council resolutions 22/6 of 21 March 2013 and 25/18 of 28 March 2014, and General Assembly resolutions 68/181 of 18 December 2013 and 70/161 of 17 December 2015,

Reaffirming the importance of the Declaration and its full and effective implementation, and that promoting respect, support and protection for the activities of human rights defenders, including women human rights defenders, is essential to the overall enjoyment of human rights,

Recalling that the Vienna Declaration and Programme of Action, the 2005 World Summit Outcome and General Assembly resolution 60/251 of 15 March 2006, in which the Assembly established the Human Rights Council, all affirm that all human rights are universal, indivisible, interrelated, interdependent and mutually reinforcing and must be treated in a fair and equal manner, on the same footing and with the same emphasis, and recalling also that the promotion and protection of one category of rights should never exempt States from the promotion and protection of other rights,

Recalling also the annual high-level panel discussions held at the thirty-first session of the Human Rights Council on human rights mainstreaming, with its theme "The 2030 Agenda for Sustainable Development and human rights", with an emphasis on the right to development, and on the fiftieth anniversary of the International Covenants on Human Rights,

Noting the statement given by the Special Rapporteur on the situation of human rights defenders during the interactive dialogue with the Human Rights Council at its thirty-first session, and deeply regretting the assassination, following death threats, of persons addressing human rights in the context of land and environmental issues, including indigenous leaders,

Noting also that previous resolutions on the present subject pertain to the promotion and protection of civil, political, economic, social and cultural rights,

Reaffirming that States have the primary responsibility and are under the obligation to protect all human rights and fundamental freedoms of all persons,

Reaffirming also that everyone has the right, individually and in association with others, to promote and strive for the realization of human rights and fundamental freedoms, including all civil, political, economic, social and cultural rights,

Welcoming the steps taken at the national level to implement economic, social and cultural rights, including the enactment of appropriate legislation and adjudication by national courts,

Recognizing the positive, important and legitimate role of human rights defenders in promoting and advocating the realization of all economic, social and cultural rights, including by engaging with Governments and contributing to the efforts in the implementation of the obligations of States in this regard, and welcoming the steps taken by some States to create a safe and enabling environment for the defence of human rights,

Stressing that everyone, individually and in association with others, shall be free to determine themselves which rights to address, at the local, national, regional and international levels, through the exercise of their rights, including through advocacy, reporting and seeking information on human rights violations and abuses by States and non-State actors,

Welcoming the fact that indigenous peoples are organizing themselves for political, economic, social and cultural enhancement, and in order to bring to an end all forms of discrimination and oppression wherever they occur, and welcoming also the work of human rights defenders in that regard,

Mindful that domestic law and administrative provisions and their application should not hinder but enable the work of human rights defenders, including by avoiding any criminalization or stigmatization of the legitimate role and important activities, consistent with the Declaration, of human rights defenders and the communities of which they are a part or on whose behalf they work, and by avoiding impediments, obstructions, restrictions or selective enforcement thereof contrary to relevant provisions of international human rights law,

Underscoring that the legal framework within which human rights defenders work peacefully to promote and protect human rights and fundamental freedoms is that of national legislation consistent with the Charter and international human rights law,

Deploring the use of policies and legislation that restrict, hinder or limit the activities of human rights defenders in contravention of relevant provisions of international human rights law, and judicial harassment or threat thereof against human rights defenders, including those addressing economic, social and cultural rights, and underlining the obligation of States to prevent and stop such practices,

Underlining the fundamental importance of access to justice through an independent and impartial judiciary,

Underscoring the importance of access to information, including on alleged violations and abuses of human rights, and of the full and effective participation of individuals, groups and organs of society, including human rights defenders, in consultations, decision-making processes and, where relevant, implementation efforts related to legislation, policies, programmes and projects, with a view to mainstreaming, promoting and protecting human rights,

Expressing grave concern at the serious nature of risks faced by human rights defenders, their family members, associates and legal representatives, including threats, attacks and acts of intimidation and reprisal against them in different parts of the world, and gravely concerned about the resulting negative impact on the realization of economic, social and cultural rights, including violations and abuses in this regard,

Expressing grave concern also at the observations and findings of the Special Rapporteur on the situation of human rights defenders that human rights defenders addressing environmental and land issues and corporate responsibility, those working on governance issues, promoting transparency and accountability, and those exposing discrimination, corruption and violence at the hands of States, business enterprises and other non-State actors, are among those human rights defenders who are most exposed and at risk, and noting with grave concern also the findings of the Working Group on Enforced or Involuntary Disappearance that the practice of enforced disappearance is often used to repress and intimidate human rights defenders and prevent others from claiming and exercising their economic, social and cultural rights,

1. *Stresses* that the right of everyone, individually and in association with others, to promote and strive for the protection and realization of all human rights and fundamental freedoms, in accordance with the Declaration,[1] without retaliation or fear thereof is an essential element in building and maintaining sustainable, open and democratic societies, and reaffirms the urgent need to respect, protect, promote and facilitate the work of those defending economic, social and cultural rights as a vital factor contributing towards the realization of those rights, including as they relate to environmental and land issues and development;

2. *Calls upon* all States to take all measures necessary to ensure the rights and safety of human rights defenders, including those working towards the realization of economic, social and cultural rights and who, in so doing, exercise other human rights, such as the rights to freedom of opinion, expression, peaceful assembly and association, to participate in public affairs, and to seek an effective remedy;

3. *Welcomes* the work of the Special Rapporteur on the situation of human rights defenders, and notes with appreciation the attention given to the promotion and protection of economic, social and cultural rights, including in relevant reports of the mandate holder over time;[2]

4. *Urges* all States to acknowledge in public statements at the national and local levels, and through laws, policies or programmes, the important and legitimate role of human rights defenders, including women human rights defenders, in the promotion of human rights, democracy and the rule of law in all areas of society, in urban and rural areas, as essential components of ensuring their recognition and protection, including those promoting and defending economic, social and cultural rights;

[1] General Assembly resolution 53/144, annex

[2] A/HRC/4/37, A/HRC/19/55, A/68/262, A/70/217.

5. *Strongly condemns* the reprisals and violence against and the targeting, criminalization, intimidation, arbitrary detention, torture, disappearance and killing of any individual, including human rights defenders, for their advocacy of human rights, for reporting and seeking information on human rights violations and abuses or for cooperating with national, regional and international mechanisms, including in relation to economic, social and cultural rights;

6. *Calls upon* all States to combat impunity by investigating and pursuing accountability for all attacks and threats by State and non-State actors against any individual, group or organ of society that is defending human rights, including against family members, associates and legal representatives, and by condemning publically all cases of violence, discrimination, intimidation and reprisals against them;

7. *Recognizes* the importance of the independent voice of human rights defenders and other civil society actors, and of partnerships between States and civil society in promoting, protecting and realizing all human rights, including economic, social and cultural rights, and the right to development, and in the context of the implementation of the 2030 Agenda for Sustainable Development;

8. *Emphasizes* the importance of national protection programmes for human rights defenders, and encourages States to consider, as a matter of priority, enacting relevant legislative and policy frameworks to this end, in consultation with human rights defenders, civil society and relevant stakeholders, taking into account, inter alia, the principles presented by the Special Rapporteur on the situation of human rights defenders;[3]

9. *Continues to express particular concern* about systemic and structural discrimination and violence faced by women human rights defenders of all ages, and calls upon all States to give effect to the principles and objectives established by the General Assembly in its resolution 68/181 by protecting the rights of women human rights defenders and by integrating a gender perspective into the efforts to create a safe and enabling environment for the defence of human rights, including economic, social and cultural rights;

10. *Underlines* the legitimate role of human rights defenders in mediation efforts, where relevant, and in supporting victims in accessing effective remedies for violations and abuses of their economic, social and cultural rights, including for members of impoverished communities, groups and communities vulnerable to discrimination, and those belonging to minorities and indigenous peoples;

11. *Stresses* that legislation affecting the activities of human rights defenders and its application must be consistent with international human rights law, including the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights, and guided by the Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms, and in this regard recognizes the urgent need to review and amend policies or legislation that have the effect of limiting the work and activities of human rights defenders in contravention of international human rights law;

12. *Recognizes* that, in the exercise of the rights and freedoms referred to in the Declaration, human rights defenders, acting individually and in association with others, shall be subject only to such limitations as are in accordance with applicable international obligations and are determined by law solely for the purpose of securing due recognition

[3] See A/HRC/31/55.

and respect for the rights and freedoms of others and of meeting the just requirements of morality, public order and the general welfare in a democratic society;

13. *Calls upon* all States to ensure that information held by public authorities, including with respect to economic, social and cultural rights, and as related to environmental, land, natural resources and development issues, is proactively disclosed and not unnecessarily classified or otherwise withheld from the public, and also calls upon all States to adopt transparent, clear and expedient laws and policies that provide for the effective disclosure of information held by public authorities and a general right to request and receive information, for which public access should be granted, except within narrow, proportionate, necessary and clearly defined limitations;

14. *Also calls upon* all States to promote and enable public participation, and to promote transparency, accountability and effective governance, in the prevention of and the fight against corruption involving State officials, business representatives and other non-State actors, and in raising public awareness regarding the existence, causes and gravity of and the threat posed by corruption, including all possible impact on the enjoyment of economic, social and cultural rights, and further calls upon all States to respect, promote and protect the freedom of everyone to seek, receive, publish and disseminate information concerning corruption, including by protecting the actors doing so, including human rights defenders;

15. *Recognizes* the important and legitimate role of individuals, groups and organs of society that are defending human rights in identifying and raising awareness of human rights impacts, the benefits and risks of development projects and business operations, including in relation to workplace health, safety and rights, and natural resource exploitation, environmental, land and development issues, by expressing their views, concerns, support, criticism or dissent regarding government policy or action or business activities, and underlines the need for Governments to take the measures necessary to safeguard space for such public dialogue and its participants;

16. *Encourages* non-State actors to respect and promote the human rights and fundamental freedoms of all persons, including their economic, social and cultural rights, and to refrain from actions that undermine the capacity of human rights defenders to operate free from hindrance and insecurity, and encourages leaders in all sectors of society to express public support for the important and legitimate role of human rights defenders, including women human rights defenders;

17. *Underscores in this regard* the responsibility of all business enterprises, both transnational and others, to respect human rights, including the rights to life, liberty and security of person of human rights defenders, and their exercise of the rights to freedom of expression, peaceful assembly and association, and participation in public affairs, which are essential for the promotion and protection of all human rights, including economic, social and cultural rights, and the right to development;

18. *Encourages* business enterprises of all categories to avoid, identify, assess and address any adverse human rights impact related to their activities through meaningful consultation with potentially affected groups and other relevant stakeholders in a manner consistent with the Guiding Principles on Business and Human Rights: Implementing the United Nations "Protect, Respect and Remedy" Framework,[4] and underlines the importance of accountability, including of all business enterprises, both transnational and others, including their provision of or cooperation in remedial action, and also encourages all business enterprises to share and exchange best practices, and to communicate externally in

[4] See A/HRC/17/31, annex.

an accessible form on how they address their adverse human rights impacts, including with information that is sufficient to evaluate the effectiveness and adequacy of the response to the particular human rights impact involved, particularly when concerns are raised by or on behalf of affected stakeholders, including by human rights defenders;

19. *Encourages* all States to engage in initiatives to promote effective prevention, accountability, remedy and reparations with a view to protecting the human rights of everyone, including human rights defenders, including from human rights abuses by business enterprises;

20. *Encourages* States to avail themselves of technical assistance in follow-up to the present and previous resolutions of the General Assembly and the Human Rights Council on the protection of human rights defenders, such as through collaboration, based on mutual consent, with national human rights institutions, regional organizations, the Office of the United Nations High Commissioner for Human Rights and relevant special procedures, and other relevant international agencies and organizations, and with other States;

21. *Invites* the Secretary-General to draw attention to the present resolution in the United Nations system and to continue to include alleged cases of reprisal and intimidation against human rights defenders addressing economic, social and cultural rights, and their family members, associates and legal representatives, in the annual report on cooperation with the United Nations, its representatives and mechanisms in the field of human rights;

22. *Invites* the Special Rapporteur to continue to address the situation of human rights defenders in the field of economic, social and cultural rights, including good practices and challenges, in his work and reporting, including through collaboration and coordination with relevant United Nations agencies, organizations and mechanisms, treaty bodies and other relevant special procedures, in accordance with the mandate;

23. *Decides* to remain seized of the matter.

65th meeting
24 March 2016

[Adopted by a recorded vote of 33 to 6, with 8 abstentions. The voting was as follows:

In favour:

Albania, Algeria, Bangladesh, Belgium, Botswana, Congo, Côte d'Ivoire, Ecuador, Ethiopia, France, Georgia, Germany, Ghana, India, Indonesia, Kyrgyzstan, Latvia, Maldives, Mexico, Mongolia, Morocco, Netherlands, Panama, Paraguay, Philippines, Portugal, Republic of Korea, Slovenia, South Africa, Switzerland, the former Yugoslav Republic of Macedonia, Togo, United Kingdom of Great Britain and Northern Ireland

Against:

Burundi, China, Cuba, Nigeria, Russian Federation, Venezuela (Bolivarian Republic of)

Abstaining:

Bolivia (Plurinational State of), El Salvador, Kenya, Namibia, Qatar, Saudi Arabia, United Arab Emirates, Viet Nam]

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Human Rights Council
Thirty-first session
Agenda item 7

Resolution adopted by the Human Rights Council on 24 March 2016

31/33. Right of the Palestinian people to self-determination

The Human Rights Council,

Guided by the purposes and principles of the Charter of the United Nations, in particular the provisions of Articles 1 and 55 thereof, which affirm the right of peoples to self-determination, and reaffirming the need for the scrupulous respect of the principle of refraining in international relations from the threat or use of force, as specified in the Declaration on Principles of International Law concerning Friendly Relations and Cooperation among States in accordance with the Charter of the United Nations, adopted by the General Assembly in its resolution 2625 (XXV) of 24 October 1970, and affirming the inadmissibility of acquisition of territory resulting from the threat or use of force,

Guided also by the provisions of article 1 of the International Covenant on Economic, Social and Cultural Rights and article 1 of the International Covenant on Civil and Political Rights, which affirm that all peoples have the right to self-determination,

Guided further by the International Covenants on Human Rights, the Universal Declaration of Human Rights and the Declaration on the Granting of Independence to Colonial Countries and Peoples, in particular article 1 thereof, and by the provisions of the Vienna Declaration and Programme of Action, adopted on 25 June 1993 by the World Conference on Human Rights,[1] and in particular Part I, paragraphs 2 and 3, relating to the right of self-determination of all peoples and especially those subject to foreign occupation,

Recalling General Assembly resolutions 181 A and B (II) of 29 November 1947 and 194 (III) of 11 December 1948, and all other relevant United Nations resolutions, including those adopted by the General Assembly, the Commission on Human Rights and the Human Rights Council, that confirm and define the inalienable rights of the Palestinian people, particularly their right to self-determination,

Recalling also Security Council resolutions 242 (1967) of 22 November 1967, 338 (1973) of 22 October 1973, 1397 (2002) of 12 March 2002 and 1402 (2002) of 30 March 2002,

[1] A/CONF.157/23.

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Taking note of General Assembly resolution 67/19 of 29 November 2012,

Reaffirming the right of the Palestinian people to self-determination in accordance with the provisions of the Charter, relevant United Nations resolutions and declarations, and the provisions of international covenants and instruments relating to the right to self-determination as an international principle and as a right of all peoples in the world, and emphasizing that this jus cogens norm of international law is a basic prerequisite for achieving a just, lasting and comprehensive peace in the Middle East,

Deploring the plight of millions of Palestine refugees and displaced persons who have been uprooted from their homes,

Affirming the applicability of the principle of permanent sovereignty over natural resources to the Palestinian situation as an integral component of the right to self-determination,

Recalling the conclusion of the International Court of Justice, in its advisory opinion of 9 July 2004, that the right to self-determination of the Palestinian people, which is a right *erga omnes*, is severely impeded by Israel, the occupying Power, through the construction of the wall in the Occupied Palestinian Territory, including East Jerusalem, which, together with the Israeli settlement enterprise and measures previously taken, results in serious violations of international humanitarian and human rights law, including forcible transfer of Palestinians and Israeli acquisition of Palestinian land,

Considering that the right to self-determination of the Palestinian people is being violated further by Israel through the existence and ongoing expansion of settlements in the Occupied Palestinian Territory, including East Jerusalem,

Reaffirming that the United Nations will continue to be engaged on the question of Palestine until the question is resolved in all its aspects in accordance with international law,

1. *Reaffirms* the inalienable, permanent and unqualified right of the Palestinian people to self-determination, including their right to live in freedom, justice and dignity and the right to their independent State of Palestine;

2. *Calls upon* Israel, the occupying Power, to end its occupation of the Occupied Palestinian Territory, including East Jerusalem, and reaffirms its support for the solution of two States, Palestine and Israel, living side by side in peace and security;

3. *Expresses grave concern* at the fragmentation and the changes in the demographic composition of the Occupied Palestinian Territory, including East Jerusalem, which are resulting from Israel's continuing construction and expansion of settlements, forcible transfer of Palestinians and construction of the wall, stresses that this fragmentation, which undermines the possibility of the Palestinian people realizing their right to self-determination, is incompatible with the purposes and principles of the Charter of the United Nations, and emphasizes in this regard the need for respect for and preservation of the territorial unity, contiguity and integrity of all of the Occupied Palestinian Territory, including East Jerusalem;

4. *Confirms* that the right of the Palestinian people to permanent sovereignty over their natural wealth and resources must be used in the interest of their national development, the well-being of the Palestinian people and as part of the realization of their right to self-determination;

5. *Urges* all States to adopt measures as required to promote the realization of the right to self-determination of the Palestinian people, and to render assistance to the United Nations in carrying out the responsibilities entrusted to it by the Charter regarding the implementation of this right;

6. *Decides* to continue the consideration of this question at its thirty-fourth session.

66th meeting
24 March 2016

[Adopted without a vote.]

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Resolution adopted by the Human Rights Council on 24 March 2016

31/34. Human rights situation in the Occupied Palestinian Territory, including East Jerusalem

The Human Rights Council,

Recalling the Universal Declaration of Human Rights, the International Covenant on Civil and Political Rights, the International Covenant on Economic, Social and Cultural Rights, the Convention on the Rights of the Child and the Optional Protocol thereto on the involvement of children in armed conflict, the Convention on the Elimination of All Forms of Discrimination against Women, the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment and the International Convention on the Elimination of All Forms of Racial Discrimination, and affirming that these human rights instruments, among others, are applicable to and must be respected in the Occupied Palestinian Territory, including East Jerusalem,

Recalling also relevant resolutions of the Human Rights Council,

Taking note of the recent reports of the Special Rapporteur on the situation of human rights in the Palestinian territories occupied since 1967, and of other relevant recent reports of the Human Rights Council,

Noting the recent accession by Palestine to several human rights treaties and the core humanitarian law conventions, and its accession on 2 January 2015 to the Rome Statute of the International Criminal Court,

Deploring Israel's recurrent practice of withholding Palestinian tax revenues,

Aware of the responsibility of the international community to promote human rights and ensure respect for international law,

Recalling the advisory opinion rendered on 9 July 2004 by the International Court of Justice, and recalling also General Assembly resolutions ES-10/15 of 20 July 2004 and ES-10/17 of 15 December 2006,

Noting in particular the Court's reply, including that the construction of the wall being built by Israel, the occupying Power, in the Occupied Palestinian Territory, including in and around East Jerusalem, and its associated regime are contrary to international law,

Reaffirming the principle of the inadmissibility of the acquisition of territory by force, and deeply concerned at the fragmentation of the Occupied Palestinian Territory, including East Jerusalem, through the construction of settlements, settler roads, the wall and other measures that are tantamount to de facto annexation of Palestinian land,

Emphasizing the applicability of the Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949, to the Occupied Palestinian Territory, including East Jerusalem, and reaffirming the obligation of the States parties to the Fourth Geneva Convention under articles 146, 147 and 148 with regard to penal sanctions, grave breaches and responsibilities of the High Contracting Parties,

Reaffirming that all States have the right and the duty to take actions in conformity with international human rights law and international humanitarian law to counter deadly acts of violence against their civilian population in order to protect the lives of their citizens,

Stressing the need for full compliance with the Israeli-Palestinian agreements reached within the context of the Middle East peace process, including the Sharm el-Sheikh understandings, and the implementation of the Quartet road map to a permanent two-State solution to the Israeli-Palestinian conflict,

Also stressing the importance of accountability in preventing future conflicts and ensuring that there is no impunity for violations and abuses, thereby contributing to peace efforts and avoiding the recurrence of violations of international law, including international humanitarian law and international human rights law,

Expressing grave concern about the continuing systematic violation of the human rights of the Palestinian people by Israel, the occupying Power, including that arising from the excessive use of force and military operations causing death and injury to Palestinian civilians, including children and women, and to non-violent, peaceful demonstrators and to journalists, including through the use of live ammunition; the use of collective punishment; the closure of areas; the confiscation of land; the establishment and expansion of settlements; the construction of a wall in the Occupied Palestinian Territory in departure from the Armistice Line of 1949; the policies and practices that discriminate against and disproportionately affect the Palestinian population in the Occupied Palestinian Territory, including East Jerusalem; the discriminatory allocation of water resources between Israeli settlers, who reside illegally in the Occupied Palestinian Territory, and the Palestinian population of the said Territory; the violation of the basic right to adequate housing, which is a component of the right to an adequate standard of living; the destruction of property and infrastructure; and all other actions by it designed to change the legal status, geographical nature and demographic composition of the Occupied Palestinian Territory, including East Jerusalem,

Gravely concerned in this regard by the ongoing demolition of Palestinian homes by Israel, the occupying Power, in particular in Occupied East Jerusalem, including when carried out as an act of collective punishment in violation of international humanitarian law, and by the revocation of residence permits and the eviction of Palestinian residents of the city,

Deploring the conflict in and around the Gaza Strip in July and August 2014 and the civilian casualties caused, including the killing and injury of thousands of Palestinian civilians, including children, women and elderly persons, the widespread destruction of thousands of homes and of civilian infrastructure, including schools, hospitals, water sanitation and electricity networks, economic, industrial and agricultural properties, public institutions, religious sites and United Nations schools and facilities, the internal displacement of hundreds of thousands of civilians, and any violations of international law, including humanitarian and human rights law, in this regard,

Gravely concerned in particular about the disastrous humanitarian situation and the critical socioeconomic and security situations in the Gaza Strip, including that resulting from the prolonged continuous closures and severe economic and movement restrictions that in effect amount to a blockade, and from the continuing and vastly negative repercussions of the military operations between December 2008 and January 2009, in November 2012 and in July and August 2014, and about the firing of rockets into Israel,

Stressing that the situation in the Gaza Strip is unsustainable and that a durable ceasefire agreement must lead to a fundamental improvement in the living conditions of the Palestinian people in the Gaza Strip, including through the sustained and regular opening of crossing points, and ensure the safety and well-being of civilians on both sides,

Affirming the need to support the Palestinian national consensus Government in its assumption of full government responsibilities in both the West Bank and the Gaza Strip, in all fields, and through its presence at Gaza crossing points,

Expressing deep concern about the short- and long-term detrimental impact of such widespread destruction and the continued impediments to the reconstruction process on the human rights situation and on the socioeconomic and humanitarian conditions of the Palestinian civilian population, and calling upon the international community to step up its efforts to provide the Gaza Strip with the assistance that it requires,

Stressing the need to end immediately the closure of the Gaza Strip and for the full implementation of the Agreement on Movement and Access and the Agreed Principles for the Rafah Crossing, both of 15 November 2005, to allow for the freedom of movement of the Palestinian civilian population within and into and out of the Gaza Strip, while taking into account Israeli concerns,

Stressing also the need for all parties, in conformity with the relevant provisions of international humanitarian law, to cooperate fully with the United Nations and other humanitarian agencies and organizations and to ensure the safe and unhindered access of humanitarian personnel, and the delivery of supplies and equipment, in order to allow such personnel to perform efficiently their task of assisting affected civilian populations, including refugees and internally displaced persons,

Expressing deep concern at the Israeli policy of closures and the imposition of severe restrictions and checkpoints, several of which have been transformed into structures akin to permanent border crossings, other physical obstacles and a permit regime, which are applied in a discriminatory manner affecting the Palestinian population only, and all of which obstruct the freedom of movement of persons and goods, including medical and humanitarian goods, throughout the Occupied Palestinian Territory, including East Jerusalem, and impair the Territory's contiguity, and deeply concerned also at the consequent violation of the human rights of the Palestinian people and the negative impact on their socioeconomic situation and the efforts aimed at rehabilitating and developing the Palestinian economy,

Convinced that the Israeli occupation has gravely impeded the efforts to achieve sustainable development and a sound economic environment in the Occupied Palestinian Territory, including East Jerusalem, and expressing grave concern at the consequent deterioration of economic and living conditions,

Deploring all policies and practices whereby Israeli settlers, who reside illegally in the Occupied Palestinian Territory, including East Jerusalem, are accorded preferential treatment over the Palestinian population in terms of access to roads, infrastructure, land, property, housing, natural resources and judicial mechanisms, resulting in widespread human rights violations of Palestinians,

Emphasizing that the destruction of property and the forced displacement of Palestinian communities in the Occupied Palestinian Territory, including East Jerusalem, constitute, in all but the most limited cases as specified under international law, violations of the prohibitions on the destruction of property and on forcible transfers, respectively, under articles 53 and 49 of the Fourth Geneva Convention,

Deeply concerned at reports of the hampering and destruction of humanitarian assistance by Israel, contributing to a coercive environment that can lead to the forcible transfer of Palestinian civilians in the Occupied Palestinian Territory,

Expressing deep concern that thousands of Palestinians, including many children and women and elected members of the Palestinian Legislative Council, continue to be detained and held in Israeli prisons or detention centres under harsh conditions, including, inter alia, unhygienic conditions, solitary confinement, lack of proper medical care, denial of family visits and denial of due process, that impair their well-being, and expressing deep concern also at the ill-treatment and harassment of any Palestinian prisoner and all reports of torture,

Expressing deep concern also at the recent hunger strikes by numerous Palestinian prisoners in protest at the harsh conditions of their imprisonment and detention by the occupying Power, while taking note of the agreement reached in May 2012 on conditions of detention in Israeli prisons and calling for its full and immediate implementation,

Recalling the United Nations Standard Minimum Rules for the Treatment of Prisoners (the Nelson Mandela Rules) and the United Nations Rules for the Treatment of Women Prisoners and Non-custodial Measures for Women Offenders (the Bangkok Rules), and calling for respect for those rules,

Expressing concern at the possible consequences of the enactment by Israel, the occupying Power, of military orders regarding the detention, imprisonment and deportation of Palestinian civilians from the Occupied Palestinian Territory, including East Jerusalem, and recalling in this regard the prohibition under international humanitarian law of the deportation of civilians from occupied territories,

Convinced of the need for an international presence to monitor the situation, to contribute to ending the violence and protecting the Palestinian civilian population and to help the parties to implement the agreements reached, and in this regard recalling the positive contribution of the Temporary International Presence in Hebron,

Recognizing the continued efforts and tangible progress made in the Palestinian security sector, noting the continued cooperation that benefits both Palestinians and Israelis, in particular by promoting security and building confidence, and expressing the hope that such progress will be extended to all major population centres,

Emphasizing the right of all people in the region to the enjoyment of human rights as enshrined in the international human rights covenants,

1. *Stresses* the need for Israel, the occupying Power, to withdraw from the Palestinian territory occupied since 1967, including East Jerusalem, so as to enable the Palestinian people to exercise its universally recognized right to self-determination;

2. *Reiterates* that all measures and actions taken by Israel, the occupying Power, in the Occupied Palestinian Territory, including East Jerusalem, in violation of the relevant provisions of the Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949, and contrary to the relevant resolutions of the Security Council are illegal and have no validity;

3. *Demands* that Israel, the occupying Power, comply fully with the provisions of the Fourth Geneva Convention of 1949 and cease immediately all measures and actions taken in violation and in breach of the Convention;

4. *Calls for* urgent measures to ensure the safety and protection of the Palestinian civilian population in the Occupied Palestinian Territory, including East Jerusalem, in accordance with the relevant provisions of international humanitarian law and as called for by the Security Council in its resolution 904 (1994) of 18 March 1994;

5. *Demands* that Israel, the occupying Power, cease all practices and actions that violate the human rights of the Palestinian people, and that it fully respect human rights law and comply with its legal obligations in this regard, including in accordance with relevant United Nations resolutions;

6. *Reiterates* the need for respect for the territorial unity, contiguity and integrity of all of the Occupied Palestinian Territory and for guarantees of the freedom of movement of persons and goods within the Palestinian territory, including movement into and from East Jerusalem, into and from the Gaza Strip, between the West Bank and the Gaza Strip, and to and from the outside world;

7. *Also reiterates* the responsibility of Israel, the occupying Power, to respect the right to health of all persons within the Occupied Palestinian Territory and to facilitate access of medical supplies and medical practitioners to all areas under occupation, including the Gaza Strip, and stresses the need for the unhindered passage of ambulances at checkpoints, especially in times of conflict;

8. *Demands* that Israel, the occupying Power, cease immediately its imposition of prolonged closures and economic and movement restrictions, including those amounting to a blockade on the Gaza Strip, which severely restricts the freedom of movement of Palestinians within, into and out of Gaza and their access to basic utilities, housing, education, work, health and an adequate standard of living via various measures, including import and export restrictions, that have a direct impact on livelihoods, economic sustainability and development throughout Gaza, and in this regard calls upon Israel to implement fully the Agreement on Movement and Access and the Agreed Principles for the Rafah Crossing in order to allow for the sustained and regular movement of persons and goods and for the acceleration of long overdue reconstruction in the Gaza Strip;

9. *Expresses grave concern* at the confiscation and damage by Israel of fishing nets in the Gaza Strip for which there is no discernible security justification;

10. *Condemns* all acts of violence, including all acts of terror, provocation, incitement and destruction, especially the excessive use of force by the Israeli occupying forces against Palestinian civilians, particularly in the Gaza Strip, where bombardment of populated areas has caused extensive loss of life and a vast number of injuries, including among thousands of children and women, massive damage and destruction to homes, economic, industrial and agricultural properties, vital infrastructure, including water, sanitation and electricity networks, religious sites and public institutions, including hospitals and schools, and United Nations facilities, and agricultural lands, and large-scale internal displacement of civilians, and the excessive use of force by the Israeli occupying forces against Palestinian civilians in the context of peaceful protests in the West Bank;

11. *Also condemns* the firing of rockets against Israeli civilian areas resulting in loss of life and injury;

12. *Calls upon* Israel to cease all violations of the right to education of Palestinians, including those stemming from restrictions on movement and incidents of harassment and attacks on school children and educational facilities by Israeli settlers and as a result of Israeli military action;

13. *Also calls upon* Israel to end all harassment, threats, intimidation and reprisals against human rights defenders and civil society actors who peacefully advocate for the rights of Palestinians in the Occupied Palestinian Territory, including by cooperating with United Nations human rights bodies, and underscores the need to investigate all such acts, to ensure accountability and effective remedies, and to take steps to prevent any further such threats, attacks, reprisals or acts of intimidation;

14. *Expresses deep concern* at the conditions of the Palestinian prisoners and detainees, including minors, in Israeli jails and detention centres, demands that Israel, the occupying Power, fully respect and abide by its international law obligations towards all Palestinian prisoners and detainees in its custody, and also expresses its concern at the continued extensive use of administrative detention, calls for a full implementation of the agreement reached in May 2012 for a prompt and independent investigation into all cases of death custody, and also calls upon Israel to release all Palestinian prisoners detained in violation of international law;

15. *Calls for* urgent attention to the plight and the rights, in accordance with international law, of Palestinian prisoners and detainees in Israeli jails, and calls for respect for the United Nations Standard Minimum Rules for the Treatment of Prisoners (the Nelson Mandela Rules) and the United Nations Rules for the Treatment of Women Prisoners and Non-custodial Measures for Women Offenders (the Bangkok Rules);

16. *Calls upon* Israel to explicitly prohibit torture, including psychological torture and other cruel, inhuman or degrading treatment or punishment;

17. *Demands* that Israel cease its policy of transferring prisoners from the Occupied Palestinian Territory into the territory of Israel, and respect fully its obligations under article 76 of the Fourth Geneva Convention;

18. *Urges* Israel to ensure that any arrest, detention and/or trial of Palestinian children is in line with the Convention on the Rights of the Child, including by refraining from holding criminal proceedings against them in military courts that, by definition, fall short of providing the necessary guarantees to ensure respect for their rights and that infringe upon their right to non-discrimination;

19. *Deplores* Israel's resumption of the policy of punitive home demolitions and the ongoing policy of revoking the residency permits of Palestinians living in East Jerusalem through various discriminatory laws, and the demolition of residential structures and the forced eviction of Palestinian families, in violation of their basic right to adequate housing and in violation of international humanitarian law;

20. *Expresses concern* at the Citizenship and Entry into Israel Law adopted by the Knesset, which suspends the possibility, with certain rare exceptions, of family reunification between Israeli citizens and persons residing in the Occupied Palestinian Territory, including East Jerusalem, thus adversely affecting the lives of many families;

21. *Demands* that Israel, the occupying Power, cease all of its settlement activities, the construction of the wall and any other measures aimed at altering the character, status and demographic composition of the Occupied Palestinian Territory, including in and around East Jerusalem, all of which have, inter alia, a grave and detrimental impact on the human rights of the Palestinian people and the prospects for a peaceful settlement;

22. *Also demands* that Israel, the occupying Power, comply with its legal obligations under international law, as mentioned in the advisory opinion rendered on 9 July 2004 by the International Court of Justice and as demanded by the General Assembly in its resolutions ES-10/15 of 20 July 2004 and ES-10/13 of 21 October 2003, and that it immediately cease the construction of the wall in the Occupied Palestinian Territory,

including in and around East Jerusalem, dismantle forthwith the structure situated therein, repeal or render ineffective all legislative and regulatory acts relating thereto, and make reparation for all damage caused by the construction of the wall, which has had a grave impact on the human rights and the socioeconomic living conditions of the Palestinian people;

23. *Calls upon* Israel to immediately cease any demolitions or plans for demolitions that would result in the forcible transfer or forced eviction of Palestinians, particularly in the vulnerable areas of the Jordan Valley, the periphery of Jerusalem and the South Hebron Hills, to facilitate the return of those Palestinian communities already subjected to forcible transfer or eviction to their original dwellings and to ensure adequate housing and legal security of tenure;

24. *Urges* Israel to ensure that water resource allocation in the Occupied Palestinian Territory is not discriminatory and does not result in water shortages disproportionately affecting the Palestinian population of the West Bank, and to take urgent steps to facilitate the restoration of the water infrastructure of the West Bank, including in the Jordan Valley, affected by the destruction of the wells of local civilians, roof water tanks and other water and irrigation facilities under military and settler operation since 1967;

25. *Deplores* the illegal Israeli actions in occupied East Jerusalem, including home demolitions, evictions of Palestinian residents, excavations in and around religious and historic sites, and all other unilateral measures aimed at altering the character, status and demographic composition of the city and of the territory as a whole;

26. *Expresses grave concern* at:

(*a*) The restrictions imposed by Israel that impede access of Christian and Muslim worshippers to holy sites in the Occupied Palestinian Territory, including East Jerusalem, and calls upon Israel to include guarantees for non-discrimination on grounds of religion or belief as well as for the preservation and peaceful access to all religious sites;

(*b*) The increasing tensions in occupied East Jerusalem and the wider region, including those stemming from attempts aimed at illegally changing the status quo of holy sites;

27. *Urges* Member States to continue to provide emergency assistance to the Palestinian people to alleviate the financial crisis and the dire socioeconomic and humanitarian situation, particularly in the Gaza Strip;

28. *Emphasizes* the need to preserve and develop the Palestinian institutions and infrastructure for the provision of vital public services to the Palestinian civilian population and the promotion of human rights, including civil, political, economic, social and cultural rights;

29. *Deplores* the persistent non-cooperation of Israel with special procedure mandate holders and other United Nations mechanisms, and stresses the need for Israel to abide by all relevant United Nations resolutions and to cooperate with the Human Rights Council, all special procedures and the Office of the United Nations High Commissioner for Human Rights;

30. *Requests* the Secretary-General to place the presence of the Office of the High Commissioner in the Occupied Palestinian Territory on a firmer basis under the regular budget, including by, inter alia, deploying the necessary personnel and expertise;

31. *Also requests* the Secretary-General to report on the implementation of the present resolution to the Human Rights Council, with a particular focus on the recurrence

and persistence of human rights violations and the underlying policies leading to such patterns, including those involving forcible displacement, at its thirty-fourth session;

32. *Decides* to remain seized of the matter.

66th meeting
24 March 2015

[Adopted by a recorded vote of 42 to 0, with 5 abstentions. The voting was as follows:

In favour:

Albania, Algeria, Bangladesh, Belgium, Bolivia (Plurinational State of), Burundi, China, Congo, C5te d'Ivoire, Cuba, Ecuador, El Salvador, Ethiopia, France, Georgia, Germany, India, Indonesia, Kenya, Kyrgyzstan, Latvia, Maldives, Mexico, Mongolia, Morocco, Namibia, Netherlands, Nigeria, Panama, Philippines, Portugal, Qatar, Republic of Korea, Russian Federation, Saudi Arabia, Slovenia, South Africa, Switzerland, United Arab Emirates, United Kingdom of Great Britain and Northern Ireland, Venezuela (Bolivarian Republic of), Viet Nam

Abstaining:

Botswana, Ghana, Paraguay, the former Yugoslav Republic of Macedonia, Togo]

United Nations A/HRC/RES/31/35

General Assembly

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Human Rights Council
Thirty-first session
Agenda item 7

Resolution adopted by the Human Rights Council on 24 March 2016

31/35. Ensuring accountability and justice for all violations of international law in the Occupied Palestinian Territory, including East Jerusalem

The Human Rights Council,

Guided by the purposes and principles of the Charter of the United Nations,

Recalling the relevant rules and principles of international law, including international humanitarian law and human rights law, in particular the Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949, which is applicable to the Occupied Palestinian Territory, including East Jerusalem,

Recalling also the Universal Declaration of Human Rights and the other human rights covenants, including the International Covenant on Civil and Political Rights, the International Covenant on Economic, Social and Cultural Rights and the Convention on the Rights of the Child,

Recalling further the statement of 15 July 1999 and the declarations adopted on 5 December 2001 and on 17 December 2014 by the Conference of High Contracting Parties to the Fourth Geneva Convention on measures to enforce the Convention in the Occupied Palestinian Territory, including East Jerusalem, aimed at ensuring respect for the Convention in the Occupied Palestinian Territory, including East Jerusalem,[1]

Recalling its relevant resolutions, including resolutions S-9/1 of 12 January 2009, 19/17 of 22 March 2012 and S-21/1 of 23 July 2014,

Expressing its appreciation to the independent commission of inquiry on the 2014 Gaza conflict, and all other relevant United Nations mechanisms, as well as the treaty bodies and other United Nations bodies, for their reports,

Affirming the obligation of all parties to respect international humanitarian law and international human rights law,

[1] See A/69/711-S/2015/1, annex.

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Emphasizing the importance of the safety and well-being of all civilians, reaffirming the obligation to ensure the protection of civilians in armed conflict, and deploring the civilian deaths that resulted from the conflict in and around the Gaza Strip in, inter alia, July and August 2014, including the killing of 1,462 Palestinian civilians, including 551 children and 299 women, and six Israeli civilians,

Gravely concerned by reports regarding serious human rights violations and grave breaches of international humanitarian law, including possible war crimes, including the findings of the United Nations Independent International Fact-Finding Mission on the Gaza Conflict, of the United Nations independent international fact-finding mission to investigate the implications of Israeli settlements on the civil, political, economic, social and cultural rights of the Palestinian people throughout the Occupied Palestinian Territory, including East Jerusalem, of the independent commission of inquiry on the 2014 Gaza conflict and of the boards of inquiry convened by the Secretary-General,

Condemning all violations of human rights and international humanitarian law, and appalled at the widespread and unprecedented levels of destruction, death and human suffering caused in the Occupied Palestinian Territory, including East Jerusalem,

Stressing the urgency of achieving without delay an end to the Israeli occupation that began in 1967,

Deploring the non-cooperation by Israel with all Human Rights Council fact-finding missions and the independent commission of inquiry on the 2014 Gaza conflict, and its refusal to grant access to and cooperate with international human rights bodies and a number of United Nations special procedures seeking to investigate alleged violations of international law in the Occupied Palestinian Territory, including East Jerusalem,

Regretting the lack of implementation of the recommendations contained in the reports of the independent commission of inquiry on the 2014 Gaza conflict, the United Nations independent international fact-finding mission to investigate the implications of Israeli settlements on the civil, political, economic, social and cultural rights of the Palestinian people throughout the Occupied Palestinian Territory, including East Jerusalem, and the United Nations Fact-Finding Mission on the Gaza Conflict, which follows a pattern of lack of implementation of recommendations made by United Nations mechanisms and bodies,

Alarmed that long-standing systemic impunity for international law violations has allowed for the recurrence of grave violations without consequence, and stressing the need to ensure accountability for all violations of international humanitarian law and international human rights law in order to end impunity, ensure justice, deter further violations, protect civilians and promote peace,

Regretting the lack of progress in the conduct of domestic investigations in accordance with international law standards, and aware of the existence of numerous legal, procedural and practical obstacles in the Israeli civil and criminal legal system contributing to the denial of the right of Palestinian victims to effective judicial remedy,

Emphasizing the need for States to investigate grave breaches of the Geneva Conventions of 1949, to end impunity, to uphold their obligations to ensure respect, and to promote international accountability,

Noting the accession by Palestine on 2 January 2015 to the Rome Statute of the International Criminal Court,

1. *Welcomes* the report of the independent commission of inquiry on the 2014 Gaza conflict;[2]

2. *Calls upon* all duty bearers and United Nations bodies to pursue the implementation of the recommendations contained in the reports of the independent commission of inquiry on the 2014 Gaza conflict, the United Nations independent international fact-finding mission to investigate the implications of Israeli settlements on the civil, political, economic, social and cultural rights of the Palestinian people throughout the Occupied Palestinian Territory, including East Jerusalem, and the United Nations Fact-Finding Mission on the Gaza Conflict, in accordance with their respective mandates;

3. *Notes* the importance of the work of the independent commission of inquiry on the 2014 Gaza conflict, the United Nations independent international fact-finding mission to investigate the implications of Israeli settlements on the civil, political, economic, social and cultural rights of the Palestinian people throughout the Occupied Palestinian Territory, including East Jerusalem, and the United Nations Fact-Finding Mission on the Gaza Conflict and the information collected regarding grave violations in support of future accountability efforts, in particular, information on alleged perpetrators of violations of international law;

4. *Emphasizes* the need to ensure that all those responsible for violations of international humanitarian law and international human rights law are held to account through appropriate fair and independent national or international criminal justice mechanisms, and to ensure the provision of effective remedy to all victims, including full reparations, and stresses the need to pursue practical steps towards these goals;

5. *Calls upon* the parties concerned to cooperate fully with the preliminary examination of the International Criminal Court and with any subsequent investigation that may be opened;

6. *Calls upon* all States to promote compliance with international law, and all High Contracting Parties to the Fourth Geneva Convention to respect, and to ensure respect for, international humanitarian law in the Occupied Palestinian Territory, including East Jerusalem, in accordance with article 1 common to the Geneva Conventions, and to fulfil their obligations under articles 146, 147 and 148 of the said Convention with regard to penal sanctions, grave breaches and the responsibilities of the High Contracting Parties;

7. *Recommends* that the General Assembly remain apprised of the matter until it is satisfied that appropriate action with regard to implementing the recommendations made by the United Nations Fact-Finding Mission on the Gaza Conflict in its report has been or is being taken at the national or international levels to ensure justice for victims and accountability for perpetrators;

8. *Requests* the United Nations High Commissioner for Human Rights to conduct a comprehensive review detailing the status of implementation of the recommendations addressed to all parties since 2009 by the relevant Human Rights Council mechanisms, namely previous fact-finding missions, the commission of inquiry and special procedures, and by United Nations treaty bodies, the Office of the High Commissioner and the Secretary-General in his reports to the Human Rights Council, and to identify patterns of non-compliance, non-implementation and non-cooperation, to propose follow-up measures to ensure implementation, and to present a report to the Council at its thirty-fifth session;

[2] A/HRC/29/52.

9. *Also requests* the High Commissioner to present an oral update on the progress of the above-mentioned review to the Human Rights Council at its thirty-fourth session;

10. *Decides* to remain seized of the matter.

66th meeting
24 March 2016

[Adopted by a recorded vote of 32 to 0, with 15 abstentions. The voting was as follows:

In favour:

Algeria, Bangladesh, Belgium, Bolivia (Plurinational State of), Burundi, China, Cuba, Ecuador, El Salvador, France, Indonesia, Kenya, Kyrgyzstan, Maldives, Mexico, Mongolia, Morocco, Namibia, Nigeria, Panama, Philippines, Portugal, Qatar, Russian Federation, Saudi Arabia, Slovenia, South Africa, Switzerland, the former Yugoslav Republic of Macedonia, United Arab Emirates, Venezuela (Bolivarian Republic of), Viet Nam

Abstaining:

Albania, Botswana, Congo, Côte d'Ivoire, Ethiopia, Georgia, Germany, Ghana, India, Latvia, Netherlands, Paraguay, Republic of Korea, Togo, United Kingdom of Great Britain and Northern Ireland]

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Resolution adopted by the Human Rights Council on 24 March 2016

31/36. Israeli settlements in the Occupied Palestinian Territory, including East Jerusalem, and in the occupied Syrian Golan

The Human Rights Council,

Guided by the principles of the Charter of the United Nations, and affirming the inadmissibility of the acquisition of territory by force,

Reaffirming that all States have an obligation to promote and protect human rights and fundamental freedoms, as stated in the Charter and as elaborated in the Universal Declaration of Human Rights, the International Covenants on Human Rights and other applicable instruments,

Recalling relevant resolutions of the Commission on Human Rights, the Human Rights Council, the Security Council and the General Assembly reaffirming, inter alia, the illegality of the Israeli settlements in the occupied territories, including in East Jerusalem,

Recalling also Human Rights Council resolution 19/17 of 22 March 2012, in which the Council decided to establish an independent international fact-finding mission to investigate the implications of the Israeli settlements on the human rights of the Palestinian people throughout the Occupied Palestinian Territory, including East Jerusalem,

Reaffirming the applicability of the Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949, to the Occupied Palestinian Territory, including East Jerusalem, and to the occupied Syrian Golan, and recalling the declarations adopted at the Conferences of High Contracting Parties to the Fourth Geneva Convention, held in Geneva on 5 December 2001 and 17 December 2014,

Noting the recent accession by Palestine to several human rights treaties and the core humanitarian law conventions, and its accession on 2 January 2015 to the Rome Statute of the International Criminal Court,

Affirming that the transfer by the occupying Power of parts of its own civilian population into the territory it occupies constitutes a breach of the Fourth Geneva Convention and relevant provisions of customary law, including those codified in Additional Protocol I to the four Geneva Conventions,

Recalling the advisory opinion rendered on 9 July 2004 by the International Court of Justice on the legal consequences of the construction of a wall in the Occupied Palestinian Territory, and recalling also General Assembly resolutions ES-10/15 of 20 July 2004 and ES-10/17 of 15 December 2006,

Noting that the International Court of Justice concluded that the Israeli settlements in the Occupied Palestinian Territory, including East Jerusalem, had been established in breach of international law,

Taking note of the recent relevant reports of the Secretary-General, the Office of the United Nations High Commissioner for Human Rights, the Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Palestinian People and Other Arabs of the Occupied Territories and the treaty bodies monitoring compliance with the human rights treaties to which Israel is a party, and the recent reports of the Special Rapporteur on the situation of human rights in the Palestinian territories occupied since 1967,

Recalling the report of the independent international fact-finding mission to investigate the implications of the Israeli settlements on the civil, political, economic, social and cultural rights of the Palestinian people throughout the Occupied Palestinian Territory, including East Jerusalem,[1]

Noting that Israel has over the years been planning, implementing, supporting and encouraging the establishment and expansion of settlements in the Occupied Palestinian Territory, including East Jerusalem, through, inter alia, the granting of benefits and incentives to settlements and settlers,

Recalling the Quartet road map to a permanent two-State solution to the Israeli-Palestinian conflict, and emphasizing specifically its call for a freeze on all settlement activity, including so-called natural growth, and the dismantlement of all settlement outposts erected since March 2001, and the need for Israel to uphold its obligations and commitments in this regard,

Taking note of General Assembly resolution 67/19 of 29 November 2012, by which, inter alia, Palestine was accorded the status of non-member observer State in the United Nations, and also of the follow-up report thereon of the Secretary-General,[2]

Aware that Israeli settlement activities involve, inter alia, the transfer of nationals of the occupying Power into the occupied territories, the confiscation of land, the forcible displacement of Palestinian civilians, including Bedouin families, the exploitation of natural resources, the conduct of economic activity for the benefit of the occupying Power, the disruption of the livelihood of protected persons, the de facto annexation of land and other actions against the Palestinian civilian population and the civilian population in the occupied Syrian Golan that are contrary to international law,

Affirming that the Israeli settlement activities in the Occupied Palestinian Territory, including East Jerusalem, undermine regional and international efforts aimed at the realization of the two-State solution of Israel and Palestine, living side by side in peace and security within recognized borders, on the basis of the pre-1967 borders, and stressing that the continuation of these policies seriously endangers the viability of the two-State solution, undermining the physical possibility of its realization,

[1] A/HRC/22/63.
[2] A/67/738.

Noting in this regard that the Israeli settlements fragment the West Bank, including East Jerusalem, into isolated geographical units, severely limiting the possibility of a contiguous territory and the ability to dispose freely of natural resources, both of which are required for the meaningful exercise of Palestinian self-determination,

Noting that the settlement enterprise and the impunity associated with its existence, expansion and related violence continue to be a root cause of many violations of the Palestinians' human rights, and constitute the main factors perpetuating Israel's belligerent occupation of the Palestinian Territory, including East Jerusalem, since 1967,

Condemning the continuation by Israel, the occupying Power, of settlement activities in the Occupied Palestinian Territory, including in East Jerusalem, in violation of international humanitarian law, relevant United Nations resolutions, the agreements reached between the parties and obligations under the Quartet road map, and in defiance of the calls by the international community to cease all settlement activities,

Expressing grave concern in particular at the construction and expansion by Israel of settlements in and around occupied East Jerusalem, including its so-called E-1 plan, which aims to connect its illegal settlements around and further isolate occupied East Jerusalem, the continuing demolition of Palestinian homes and eviction of Palestinian families from the city, the revocation of Palestinian residency rights in the city, and ongoing settlement activities in the Jordan Valley,

Expressing grave concern at the continuing construction by Israel of the wall inside the Occupied Palestinian Territory, including in and around East Jerusalem, in violation of international law, and expressing its concern in particular at the route of the wall in departure from the Armistice Line of 1949, which is causing humanitarian hardship and a serious decline in socioeconomic conditions for the Palestinian people, is fragmenting the territorial contiguity of the Territory and undermining its viability, and could prejudge future negotiations by creating a fait accompli on the ground that could be tantamount to de facto annexation in departure from the Armistice Line of 1949, and make the two-State solution physically impossible to implement,

Deeply concerned that the wall's route has been traced in such a way as to include the great majority of the Israeli settlements in the Occupied Palestinian Territory, including East Jerusalem,

Gravely concerned at all acts of violence, destruction, harassment, provocation and incitement by extremist Israeli settlers and groups of armed settlers in the Occupied Palestinian Territory, including East Jerusalem, against Palestinian civilians, including children, and their properties, including homes, agricultural lands and historic and religious sites, and the acts of terror carried out by several extremist Israeli settlers, which are a long-standing phenomenon aimed at, inter alia, displacing the occupied population and facilitating the expansion of settlements,

Expressing concern at ongoing impunity for acts of settler violence against Palestinian civilians and their properties, and stressing the need for Israel to investigate and to ensure accountability for all of these acts,

Aware of the detrimental impact of the Israeli settlements on Palestinian and other Arab natural resources, especially as a result of the confiscation of land and the forced diversion of water resources, including the destruction of orchards and crops and the seizure of water wells by Israeli settlers, and of the dire socioeconomic consequences in this regard, which precludes the Palestinian people from being able to exercise permanent sovereignty over their natural resources,

Noting that the agricultural sector, considered the cornerstone of Palestinian economic development, has not been able to play its strategic role because of the

dispossession of land and the denial of access for farmers to agricultural areas, water resources and domestic and external markets owing to the construction, consolidation and expansion of Israeli settlements,

Recalling Human Rights Council resolution 22/29 of 22 March 2013, in follow-up to the report of the independent international fact-finding mission to investigate the implications of Israeli settlements on the civil, political, economic, social and cultural rights of the Palestinian people throughout the Occupied Palestinian Territory, including East Jerusalem,

Recalling also the Guiding Principles on Business and Human Rights, which place responsibilities on all business enterprises to respect human rights by, inter alia, refraining from contributing to human rights abuses arising from conflict, and call upon States to provide adequate assistance to business enterprises to assess and address the heightened risks of abuses in conflict-affected areas, including by ensuring that their current policies, legislation, regulations and enforcement measures are effective in addressing the risk of business involvement in gross human rights abuses,

Noting that, in situations of armed conflict, business enterprises should respect the standards of international humanitarian law, and concerned that some business enterprises have, directly and indirectly, enabled, facilitated and profited from the construction and growth of the Israeli settlements in the Occupied Palestinian Territory,

Reaffirming the fact that the High Contracting Parties to the Fourth Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949, undertook to respect and to ensure respect for the Convention in all circumstances, and that States should not recognize an unlawful situation arising from breaches of peremptory norms of international law,

Calling upon all States not to provide Israel with any assistance to be used specifically in connection with settlements in the Occupied Palestinian Territory, including East Jerusalem, and in the occupied Syrian Golan,

Emphasizing the importance for States to act in accordance with their own national legislation on promoting compliance with international humanitarian law with regard to business activities that result in human rights abuses,

Concerned that economic activities facilitate the expansion and entrenchment of settlements, and aware that the conditions of harvesting and production for products made in settlements involve the breach of applicable legal norms, inter alia, the exploitation of the natural resources of the Occupied Palestinian Territory, including East Jerusalem, and calling upon all States to respect their legal obligations in this regard,

Aware that products wholly or partially produced in settlements have been labelled as originating from Israel,

Aware also of the role of private individuals, associations and charities in third States that are involved in providing funding to Israeli settlements and settlement-based entities, contributing to the maintenance and expansion of settlements,

Expressing its concern at the failure of Israel, the occupying Power, to cooperate fully with the relevant United Nations mechanisms, in particular the Special Rapporteur on the situation of human rights in the Palestinian territories occupied since 1967,

1. *Reaffirms* that the Israeli settlements in the Occupied Palestinian Territory, including East Jerusalem, and in the occupied Syrian Golan are illegal and an obstacle to peace and economic and social development;

2. *Calls upon* Israel to accept the de jure applicability of the Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949, to the Occupied Palestinian Territory, including East Jerusalem, and to the occupied Syrian Golan, to abide scrupulously by the provisions of the Convention, in particular article 49 thereof, and to comply with all its obligations under international law and cease immediately all actions causing the alteration of the character, status and demographic composition of the Occupied Palestinian Territory, including East Jerusalem, and the occupied Syrian Golan;

3. *Demands* that Israel, the occupying Power, immediately cease all settlement activities in all the Occupied Palestinian Territory, including East Jerusalem, and in the occupied Syrian Golan, and calls in this regard for the full implementation of all relevant resolutions of the Security Council, including, inter alia, resolutions 446 (1979) of 22 March 1979, 452 (1979) of 20 July 1979, 465 (1980) of 1 March 1980, 476 (1980) of 30 June 1980 and 1515 (2003) of 19 November 2003;

4. *Also demands* that Israel, the occupying Power, comply fully with its legal obligations, as mentioned in the advisory opinion rendered on 9 July 2004 by the International Court of Justice;

5. *Condemns* the continuing settlement and related activities by Israel, including the expansion of settlements, the expropriation of land, the demolition of houses, the confiscation and destruction of property, the expulsion and displacement of Palestinians, including entire communities and the construction of bypass roads, which change the physical character and demographic composition of the occupied territories, including East Jerusalem and the Syrian Golan, and constitute a violation of the Fourth Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949, and in particular article 49 thereof;

6. *Also condemns* the construction of new housing units for Israeli settlers in the West Bank and around occupied East Jerusalem, as it seriously undermines the peace process and jeopardizes the ongoing efforts by the international community to reach a final and just peace solution compliant with international law and legitimacy, including relevant United Nations resolutions, and constitutes a threat to the two-State solution;

7. *Expresses its grave concern* at, and calls for the cessation of:

(*a*) The operation by Israel of a tramway linking the settlements with West Jerusalem, which is in clear violation of international law and relevant United Nations resolutions;

(*b*) The expropriation of Palestinian land, the demolition of Palestinian homes, demolition orders, forced evictions and "relocation" plans, the obstruction and destruction of humanitarian assistance and the creation of unbearable living conditions by Israel in areas identified for the expansion and construction of settlements, and other practices aimed at the forcible transfer of the Palestinian civilian population, including Bedouin communities and herders, and further settlement activities, including the denial of access to water and other basic services by Israel to Palestinians in the Occupied Palestinian Territory, including East Jerusalem, particularly in areas slated for settlement expansion, and including the appropriation of Palestinian property through, inter alia, declarations of so-called "State lands", closed "military zones", "national parks" and "archaeological" sites to facilitate and advance the expansion or construction of settlements and related infrastructure, in violation of Israel's obligations under international humanitarian law and international human rights law;

(*c*) Israeli measures in the form of policies, laws and practices that have the effect of preventing Palestinians from full participation in the political, social, economic

and cultural life of the Occupied Palestinian Territory, including East Jerusalem, and prevent their full development in both the West Bank and the Gaza Strip;

8. *Calls upon* Israel, the occupying Power:

(*a*) To reverse the settlement policy in the occupied territories, including East Jerusalem and the Syrian Golan, and, as a first step towards the dismantlement of the settlement enterprise, to stop immediately the expansion of existing settlements, including so-called natural growth and related activities, to prevent any new installation of settlers in the occupied territories, including in East Jerusalem, and to discard its "E-1" plan;

(*b*) To put an end to all of the human rights violations linked to the presence of settlements, especially of the right to self-determination, and to fulfil its international obligations to provide effective remedy for victims;

(*c*) To take immediate measures to prohibit and eradicate all policies and practices that discriminate against and disproportionately affect the Palestinian population in the Occupied Palestinian Territory, including East Jerusalem, by, inter alia, putting an end to the system of separate roads for the exclusive use of Israeli settlers, who reside illegally in the said territory, to the complex combination of movement restrictions consisting of the wall, roadblocks and a permit regime that only affects the Palestinian population, the application of a two-tier legal system that has facilitated the establishment and consolidation of the settlements, and other violations and forms of discrimination;

(*d*) To cease the requisition and all other forms of unlawful appropriation of Palestinian land, including so-called "State land", and its allocation for the establishment and expansion of settlements, and to halt the granting of benefits and incentives to settlements and settlers;

(*e*) To put an end to all measures and policies resulting in the territorial fragmentation of the Occupied Palestinian Territory, including East Jerusalem, and which are isolating Palestinian communities into separate enclaves and changing the demographic composition of the Occupied Palestinian Territory;

(*f*) To take and implement serious measures, including confiscation of arms and enforcement of criminal sanctions, with the aim of ensuring full accountability for and preventing all acts of violence by Israeli settlers, and to take other measures to guarantee the safety and protection of Palestinian civilians and Palestinian properties in the Occupied Palestinian Territory, including East Jerusalem;

(*g*) To bring to a halt all actions, including those perpetrated by Israeli settlers, harming the environment, including the dumping of all kinds of waste materials in the Occupied Palestinian Territory, including East Jerusalem, and in the occupied Syrian Golan, which gravely threaten their natural resources, namely water and land resources, and which pose an environmental, sanitation and health threat to the civilian population;

(*h*) To cease the exploitation, damage, cause of loss or depletion and endangerment of the natural resources of the Occupied Palestinian Territory, including East Jerusalem, and of the occupied Syrian Golan;

9. *Welcomes* the adoption of the European Union Guidelines on the eligibility of Israeli entities and their activities in the territories occupied by Israel since June 1967 for grants, prizes and financial instruments funded by the European Union since 2014;

10. *Encourages* all States and international organizations to continue to actively pursue policies that ensure respect of their obligations under international law with regard to all illegal Israeli practices and measures in the Occupied Palestinian Territory, including East Jerusalem, particularly Israeli settlements;

11. *Reminds* all States of their legal obligations as mentioned in the advisory opinion of the International Court of Justice of 9 July 2004 on the legal consequences of the construction of a wall in the Occupied Palestinian Territory, including not to recognize the illegal situation resulting from the construction of the wall, not to render aid or assistance in maintaining the situation created by such construction, and to ensure compliance by Israel with international humanitarian law as embodied in the Geneva Convention relative to the Protection of Civilian Persons in Time of War of 12 August 1949;

12. *Urges* all States:

(*a*) To ensure that they are not taking actions that either recognize or assist the expansion of settlements or the construction of the wall in the Occupied Palestinian Territory, including East Jerusalem, including with regard to the issue of trading with settlements, consistent with their obligations under international law;

(*b*) To implement the Guiding Principles on Business and Human Rights in relation to the Occupied Palestinian Territory, including East Jerusalem, and to take appropriate measures to help to ensure that businesses domiciled in their territory and/or under their jurisdiction, including those owned or controlled by them, refrain from committing or contributing to gross human rights abuses of Palestinians, in accordance with the expected standard of conduct in the Guiding Principles and relevant international laws and standards, by taking all necessary steps;

(*c*) To provide guidance to individuals and businesses on the financial, reputational and legal risks, including the possibility of liability for corporate involvement in gross human rights abuses, and abuses of the rights of individuals, of becoming involved in settlement-related activities, including through financial transactions, investments, purchases, procurements, loans and the provision of services, and other economic and financial activities in or benefiting Israeli settlements, to inform businesses of these risks in the formulation of their national action plans for the implementation of the Guiding Principles on Business and Human Rights, and to ensure that their policies, legislation, regulations and enforcement measures effectively address the heightened risks of operating a business in the Occupied Palestinian Territory, including East Jerusalem;

(*d*) To increase monitoring of settler violence with a view to promoting accountability;

13. *Calls upon* business enterprises to take all measures necessary to comply with the Guiding Principles on Business and Human Rights and relevant international laws and standards with respect to their activities in or in relation to the Israeli settlements and the wall in the Occupied Palestinian Territory, including East Jerusalem, to avoid the adverse impact of such activities on human rights and to avoid contributing to the establishment or maintenance of Israeli settlements or the exploitation of natural resources of the Occupied Palestinian Territory;

14. *Requests* that all parties concerned, including United Nations bodies, implement and ensure the implementation of the recommendations contained in the report of the independent international fact-finding mission to investigate the implications of Israeli settlements on the civil, political, economic, social and cultural rights of the Palestinian people throughout the Occupied Palestinian Territory, including East Jerusalem,[1] and endorsed by the Human Rights Council through its resolution 22/29, in accordance with their respective mandates;

15. *Calls upon* the relevant United Nations bodies to take all necessary measures and actions within their mandates to ensure full respect for and compliance with Human Rights Council resolution 17/4 of 16 June 2011, on the Guiding Principles on Business and Human Rights and other relevant international laws and standards, and to ensure the

implementation of the United Nations "Protect, Respect and Remedy" Framework, which provides a global standard for upholding human rights in relation to business activities that are connected with Israeli settlements in the Occupied Palestinian Territory, including East Jerusalem;

16. *Takes note* of the statement of the Working Group on the issue of human rights and transnational corporations and other business enterprises in follow-up to Human Rights Council resolution 22/29;

17. *Requests* the United Nations High Commissioner for Human Rights, in close consultation with the Working Group on the issue of human rights and transnational corporations and other business enterprises, in follow-up to the report of the independent international fact-finding mission to investigate the implications of the Israeli settlements on the civil, political, economic, social and cultural rights of the Palestinian people throughout the Occupied Palestinian Territory, including East Jerusalem,[1] and as a necessary step for the implementation of the recommendation contained in paragraph 117 thereof, to produce a database of all business enterprises involved in the activities detailed in paragraph 96 of the afore-mentioned report, to be updated annually, and to transmit the data therein in the form of a report to the Council at its thirty-fourth session;

18. *Requests* the Secretary-General to report on the implementation of the present resolution, with particular emphasis on the human rights and international law violations involved in the production of settlement goods and the relationship between trade in these goods and the maintenance and economic growth of settlements, at its thirty-fourth session;

19. *Decides* to remain seized of the matter.

66th meeting
24 March 2016

[Adopted by a recorded vote of 32 to 0, with 15 abstentions. The voting was as follows:

In favour:

Algeria, Bangladesh, Bolivia (Plurinational State of), Botswana, Burundi, China, Congo, Côte d'Ivoire, Cuba, Ecuador, El Salvador, Ethiopia, India, Indonesia, Kenya, Kyrgyzstan, Maldives, Mexico, Mongolia, Morocco, Namibia, Nigeria, Panama, Philippines, Qatar, Russian Federation, Saudi Arabia, South Africa, Switzerland, United Arab Emirates, Venezuela (Bolivarian Republic of), Viet Nam

Abstaining:

Albania, Belgium, France, Georgia, Germany, Ghana, Latvia, Netherlands, Paraguay, Portugal, Republic of Korea, Slovenia, the former Yugoslav Republic of Macedonia, Togo, United Kingdom of Great Britain and Northern Ireland]

United Nations A/HRC/RES/31/37

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Agenda item 3

Resolution adopted by the Human Rights Council on 24 March 2016

31/37. The promotion and protection of human rights in the context of peaceful protests

The Human Rights Council,

Reaffirming the purposes and principles of the Charter of the United Nations,

Reaffirming also the Universal Declaration of Human Rights, and recalling the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights, and other relevant international and regional human rights treaties,

Recalling the Vienna Declaration and Programme of Action,

Recalling also its decision 17/120 of 17 June 2011 and its resolutions 19/35 of 23 March 2012, 22/10 of 21 March 2013 and 25/38 of 28 March 2014, on the promotion and protection of human rights in the context of peaceful protests,

Recalling further that States have the primary responsibility for the promotion and protection of human rights and fundamental freedoms, including in the context of assemblies, and to ensure that national legislation, policies and practices, as the national framework for the exercise of the rights to freedom of peaceful assembly, of expression and of association, are in compliance with international human rights law,

1. *Calls upon* all States to promote a safe and enabling environment for individuals and groups to exercise their rights to freedom of peaceful assembly, of expression and of association, recalls that all States have the responsibility in all circumstances, including in the context of peaceful protests, to promote, respect and protect human rights and to prevent human rights violations, including extrajudicial, summary or arbitrary executions, arbitrary arrest and detention, enforced disappearances, torture and other cruel, inhuman or degrading treatment or punishment, and sexual violence, and calls upon States to avoid the abuse of criminal and civil proceedings or threats of such acts at all times;

2. *Underlines* the necessity to address the management of assemblies, including peaceful protests, so as to contribute to their peaceful conduct, and to prevent loss of life of and injuries to protesters, bystanders, those monitoring such protests and officials exercising law enforcement duties, as well as any human rights violation or abuse, to ensure

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accountability for such violations and abuses and to provide victims with access to a remedy and redress;

3. *Takes note with appreciation* of the compilation of practical recommendations for the proper management of assemblies based on best practices and lessons learned prepared by the Special Rapporteur on the rights to freedom of peaceful assembly and association and the Special Rapporteur on extrajudicial, summary or arbitrary executions,[1] in which they provide an analysis of the human rights involved before, during and after an assembly, including the rights to freedom of peaceful assembly, of expression, of association, and of religion or belief, the right to participation in the conduct of public affairs, the right to life, liberty and security of person, the right to be free from torture and cruel, inhuman or degrading treatment or punishment, as well as the right to an effective remedy for all human rights violations, and the respect for human dignity, bodily integrity, and privacy;

4. *Encourages* all States to give due consideration to the above mentioned compilation, which provides a useful tool for States on how to fulfil their obligations and commitments, including on how to operationalize them in their domestic laws, procedures and practices, to promote and protect human rights in the context of assemblies, including peaceful protests;

5. *Reaffirms* that all States must ensure that their domestic legislation and procedures relating to the rights to freedom of peaceful assembly, of expression and of association and to the use of force in the context of law enforcement are in conformity with their international obligations and commitments and effectively implemented, and must provide proper training for officials exercising law enforcement duties, including in the use of protective equipment and of less-lethal weapons;

6. *Encourages* all States to engage at the national and regional levels with relevant stakeholders, including assembly organizers, human rights defenders, civil society actors, national human rights institutions, as well as business enterprises and regional human rights mechanisms, on the management of assemblies, including, as appropriate, any follow-up to the compilation of practical recommendations;

7. *Stresses* the importance of international cooperation in support of national efforts for the promotion and protection of human rights and fundamental freedoms in the context of assemblies in order to raise the capacities of law enforcement agencies to deal with such assemblies in a manner that conforms to their international human rights obligations and commitments;

8. *Invites* States to seek relevant technical assistance, including from the Office of the United Nations High Commissioner for Human Rights, the United Nations Office on Drugs and Crime and from other specialized agencies where appropriate, from relevant special procedures of the Human Rights Council and from regional human rights mechanisms;

9. *Invites* all States to consider making recommendations, as appropriate, to States under review, in the context of the universal periodic review, on the management of assemblies and the promotion and protection of human rights in such contexts;

10. *Encourages* the Special Rapporteur on the rights to freedom of peaceful assembly and of association, the Special Rapporteur on extrajudicial, summary or arbitrary executions and other relevant special procedures of the Human Rights Council, as appropriate, in the framework of their mandates, to continue to address in their work, the

[1] A/HRC/31/66.

management of assemblies and the promotion and protection of human rights in such contexts;

11. *Decides* to remain seized of the matter.

66th meeting
24 March 2016

[Adopted by a recorded vote of 31 to 5, with 10 abstentions.* The voting was as follows:

In favour:

Albania, Algeria, Belgium, Botswana, Côte d'Ivoire, Ecuador, El Salvador, Ethiopia, France, Georgia, Germany, Ghana, India, Indonesia, Kenya, Kyrgyzstan, Latvia, Maldives, Mexico, Mongolia, Morocco, Netherlands, Panama, Paraguay, Philippines, Portugal, Republic of Korea, Slovenia, Switzerland, the former Yugoslav Republic of Macedonia, United Kingdom of Great Britain and Northern Ireland

Against:

Burundi, China, Cuba, Russian Federation, Venezuela (Bolivarian Republic of)

Abstaining:

Bangladesh, Bolivia (Plurinational State of), Namibia, Nigeria, Qatar, Saudi Arabia, South Africa, Togo, United Arab Emirates, Viet Nam]

* The delegation of the Congo did not cast a vote.